

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Toni Wallace,
Plaintiff

v.

Case No. 1:09-cv-382

Commissioner of Social Security,
Defendant

ORDER

This matter is before the Court on the Magistrate Judge's Report and Recommendation filed November 4, 2011 (Doc. 24).

Proper notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the Report and Recommendation in a timely manner. See United States v. Walters, 638 F.2d 947 (6th Cir. 1981). As of the date of this Order, no objections to the Magistrate Judge's Report and Recommendation have been filed.

Having reviewed this matter de novo pursuant to 28 U.S.C. § 636, we find the Magistrate Judge's Report and Recommendation correct.

Accordingly, it is **ORDERED** that the Report and Recommendation of the Magistrate Judge is hereby **ADOPTED**. Plaintiff's Motion for Attorney's Fees is **GRANTED IN PART**, to the extent that the Commissioner should pay to plaintiff directly a fee award in the amount of \$3,343.75, reflecting 26.75 attorney hours reasonably expended multiplied by the statutory hourly rate of \$125.00, subject to any offset permitted by *Astrue v Ratliff*, 560 U.S. ___, 130 S.Ct. 2521 (June 14, 2010). If the parties confirm that plaintiff owes no debt to the government, the Commissioner alternatively should be permitted to pay the fee award to plaintiff's counsel in accordance with the fee contract.

Date: November 28, 2011

s/Sandra S. Beckwith
Sandra S. Beckwith, Senior Judge
United States District Court